



the criminal injuries compensation board
manitoba



Annual Report
1983-1984



the criminal injuries compensation board - manitoba
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June 25, 1984

Honourable Roland Penner, Q.C.,
Attorney-General,
104 Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Sir:

In accordance with Section 27.1 of The Criminal Injuries Compensation Act (Chapter C305 R.S.M. 1970), The Criminal Injuries Compensation Board submits its report on the administration of the Act.

This Annual Report covers the 12-month fiscal period from April 1, 1983 to March 31, 1984.

Respectfully submitted,

Asuncion Arrojado
Chairperson

T. Donald Bulloch
Commissioner

Allan A. Fleury
Commissioner

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Introduction

The Criminal Injuries Compensation Act was passed on July 16, 1970 and provides that injured victims of crime, or their dependents, be eligible for benefits in an amount similar to compensation paid to workers under The Workers Compensation Act. The intent of the Act was to ensure that any innocent victim of crime, or any person injured as a result of assisting a Peace Officer, should not be placed in a position of undue financial hardship.

At that time, the administrative system already in place for Workers Compensation appeared to be the most appropriate system for addressing the needs of processing Criminal Injuries Compensation claims. Therefore, in 1971 The Workers Compensation Board was designated to act on behalf of the Attorney-General's Department in administering The Criminal Injuries Compensation Act.

Funding for Criminal Injuries Compensation comes from the Consolidated Fund of the Province of Manitoba through the offices of the Attorney-General, and The Workers Compensation Board is reimbursed an administrative fee to provide services.

This Annual Report reviews general information about Criminal Injuries Compensation. As well, departmental information, relevant statistical tables and graphs, and a statement of claims expenditures is provided.

Highlights

- In the spring of 1983, the following procedures for Criminal Injuries claims were revised:

- Medical Review Panel Procedure;
- Procedure for Calculation of Payments when the Claimant is Receiving Unemployment Insurance Commission Benefits;
- Procedure for Calculation of Monies Recovered from a Third Party.

- The Ninth Biennial Conference of the International Association of Crime Victim Compensation Boards took place in Winnipeg in May, 1983. This forum provided for a comparison of legislative statutes as well as for an interchange of ideas, methods and experiences in dealing with and administering claims made by victims of crime. There were many Canadian and American representatives, and delegates from the United Kingdom, Northern Ireland, West Germany and Japan were also in attendance.

- A full-time Registrar was appointed in August of 1983. Previously a part-time Registrar overviewed operations and a full-time Assistant Registrar maintained day-to-day functions.

- In order to expedite the processing of claims and to improve efficiency of service, the Procedures for Processing Criminal Injuries claims were revised.

- Matters related to Release of Information were reviewed and a new authorization form was developed for use of the Criminal Injuries Compensation Board. On request, and only for the purposes of appeal, a claimant may access claim file information, however, police information/reports are excluded.

- The Criminal Injuries Compensation Act was amended to include Section 14(2). Consultations and information sharing meetings were held with administrative staff of the Manitoba Department of Employment Services and Economic Security, and the City of Winnipeg Social Services.

- The Criminal Injuries Committee was restructured in August to maintain consistency of approach when dealing with Criminal Injuries claims.

- A formal procedure to expedite the referral and handling of claims requiring the services of the Workers Compensation Board Vocational Rehabilitation Department was developed in October, 1983.

General Information

Claims for assistance are made directly to The Criminal Injuries Compensation Board. Any person who is an innocent victim of crime and sustains an injury, or anyone who is injured or killed while attempting to arrest any person, preserve the peace or assist a Peace Officer, may file a claim. This is also applicable to any person who is the surviving spouse, parent, child or dependent of such a victim. The crime must be of the type listed in Schedule I attached to The Act. A copy of Schedule I is provided on Page 14.

Under The Criminal Injuries Compensation Act, a report must be made by the injured victim to the police as soon as possible and the victim must co-operate with the police in apprehension of the offender. A person responsible for the crime or an accomplice to the crime is not eligible to receive an award.

The Act requires that the claim be filed within two years of the injury or death. It is only in very exceptional circumstances, as determined by the Board, that the time limit may be extended.

Two of the pre-requisites in making a claim are that a crime within the schedule of crimes listed in the Act was committed (or peace preserving assistance took place), and that such event directly resulted in injury or death of the victim. Where there is another form of legislation covering the claim (e.g. The Highway Traffic Act), that legislation overrides The Criminal Injuries Compensation Act.

Benefits available to injured victims of crime, or their dependents in case of fatality, include 75% of wages up to the legislated maximum under The Workers Compensation Act.

In the past, victims of crime who were in receipt of Unemployment Insurance were paid compensation based on 75% of a 40 hour week at the current minimum wage in Manitoba. Presently, where a victim is in receipt of Unemployment Insurance Benefits at the time of injury, Criminal Injuries Benefits are calculated on the gross income that established the Unemployment Insurance Benefits.

Monies are also available to cover expenses related to clothing, prescription drugs, broken eyeglasses, artificial limbs and dental expenses provided the claim is for over \$150.00. Assistance toward funeral expenses is also available. Generally, compensation will not be paid for jewelry or other similar property on the person of the victim. Under the Act in Manitoba, payment is not made for pain and suffering.

Any benefits paid will be reduced by the amount of any other payments through private insurance policies, Canada Pension Plan, Workers Compensation benefits, restitution, social allowance, and/or municipal assistance.

Appropriate rehabilitation services are available to victims.

This is no cost to a victim in the filing and processing of claims. Once the claim has been filed, The Criminal Injuries Compensation Board gathers all necessary documentation to process the claim, and the decision is forwarded directly to the claimant. An appeal process is available if the claimant is not satisfied with the Board's decision, and the information regarding this is provided to the claimant when they are notified of the Board's decision.

In Manitoba there are no residence exclusions in claiming for Criminal Injuries Compensation. The crime must have occurred within the boundaries of the Province of Manitoba, but the victim does not have to be a Manitoba resident.

Departmental Information

The Criminal Injuries Compensation Board staff presently consists of a Registrar, an Assistant Registrar, and a secretary who provides support services.

The Board of Commissioners establishes policies and criteria for the operations of the Criminal Injuries Compensation Board, and claims are processed through the appropriate departments of The Workers Compensation Board.

The following services are provided by departments of The Workers Compensation Board:

- Financial records are kept by the Finance/Accounting Department, and all cheques are issued through this Department.

- The Claims Services Department processes criminal injuries claim files by calculating benefits for time loss, medical costs and general expenses.

- Advice and guidance regarding disability periods is provided by the Medical Services Department. As well, medical examinations may be conducted through the Medical Services Department when required.

- The Vocational Rehabilitation Services Department makes available the same services to crime victims as would be provided to workers under The Workers Compensation Act. These services include counselling, evaluation and job assessment.

Bill 108

Bill 108 was assented to in August of 1983 and provides for the following addition to The Criminal Injuries Compensation Act:

"Persons in receipt of social allowances.

14(2) A person who is receiving social allowance under The Social Allowances Act or municipal assistance as defined in that Act is not eligible to receive compensation under this Act except to the extent that the compensation awarded under this Act exceeds the social allowance or municipal assistance that the person is receiving."

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Statement of Expenditures

for the year ended March 31, 1984

(with comparable figures for the previous year)

Benefits Paid

	1984	1983
Temporary disability benefits	\$ 392,365	\$343,931
Permanent disability and fatal pensions*	442,048	371,579
Other benefit costs (Medical aid, funeral expenses, damaged clothing, dental treatment, prosthetics, etc.)	100,159	70,656
Rehabilitation benefits	<u>50,799</u>	<u>14,401</u>
TOTAL BENEFITS PAID	\$ 985,371	\$800,567
Administration charges	135,700	78,393
Interest cost (revenue)	<u>1,274</u>	<u>(1,832)</u>
TOTAL EXPENDITURES	<u>\$1,122,345</u>	<u>\$877,128</u>

**As of March 31, 1984, there were 49 permanent disability pensions and 37 fatal pensions being paid. These pensions are not simply related to claims made this year; they relate back to the inception of the Criminal Injuries Compensation Board.*

Note: The costs, including benefits and administration are paid from advances from the Consolidated Fund of the Province. Medical treatment as a result of injuries is paid by the Manitoba Health Services Commission, however, Practitioner's reporting fees are paid out of the Consolidated Fund.

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Introduction To The Statistical Section

TABLE I records the disposition of claims for the period April 1, 1983 to March 31, 1984 with comparative statistics for the previous period. Eighteen of the claims approved were for fatalities. There were 103 claims carried over from the previous year. In general terms these were held pending further medical documentation.

TABLE II documents the types of claims approved. Schedule I is included as part of this Annual Report, and this illustrates the types of crimes that may be claimed for under Criminal Injuries Compensation. (Consideration is being given to amend this Schedule in line with changes to the Criminal Code of Canada). Claims may also be made for injury or death resulting from an attempt to arrest any person, preserve the peace, or assist a Peace Officer.

TABLE III is an analysis of claims benefits paid for the latter part of 1974 up to March 1984. This specifies temporary and permanent disability payments as well as miscellaneous costs. Also shown are rehabilitation cash benefits.

TABLE IV records the number of claims processed over a period of time. It is important to note that claims made with the Criminal Injuries Compensation Board continue to increase. Also, there is a significant reduction in claims refused as the result in a change in policy for Section 12(3) (c). This is explained further in the "Most Frequent Reasons for Non-Acceptance of Claims" information on page 13.

FIGURE I illustrates the ages of victims for which claims were filed. There is an extreme range of ages in victims of crime, and it is interesting to note that the greatest number of victims continues to be in the 21 - 25 year age group, with the 26 - 30 year age group following closely behind.

FIGURE II compares the employment status of victims. The higher incidence of unemployed victims is not reflective of the thought that unemployed people are more prone to crime. Instead, it is recognized that employed persons generally would have sick leave plans or health benefit plans which would cover costs that are being claimed by unemployed victims.

FIGURE III compares the sex of the victims for which criminal injuries claims were filed. Although the numbers of victims remain almost constant compared to the previous period, the female victims have increased by a significant percentage.

FIGURE IV illustrates the crime occurrence area of the province. Winnipeg has the highest rate of applications in the province, however, this could reasonably be due to the fact that over one-half of the total provincial population resides in the City of Winnipeg. The 1983/84 period recognized a decrease in applications from the Brandon area and an increase in other areas of the province.

Disposition of Claims

for the period April 1, 1983 to March 31, 1984
(with comparative statistics for the previous period)

	1983/1984	1982/1983
Approved	257*	166
Refused	36	64
Under consideration	56	103
Withdrawn	12	—
Not pursued by applicant	26	17
Referred to The Workers Compensation Board	2	2
	<u>389**</u>	<u>352</u>

*Eighteen of the approved claims were fatalities.

**Of this number, 103 claims were carried over from the previous year, 12 decisions were reversed as the result of appeals, and 274 applications for compensation were actually received during the 1983/1984 period.

Approved Claims

TABLE II

for the period April 1, 1983 to March 31, 1984
(with comparative statistics for the previous period)

Under Schedule I:	1983/1984	1982/1983
Dangerous use of firearm	1	1
Rape	12	8
Attempted rape	3	1
Murder	15	9
Manslaughter	2	2
Attempted murder	31	33
Causing bodily harm with intent	8	4
Common assault; causing bodily harm	136	77
Robbery	41	26
Mischief causing actual danger to life	1	0
Arson	3	2
	<u>253</u>	<u>163</u>
Assisting a Peace Officer/Good Samaritan Attempt	4	3
TOTAL	257	166

Claims Benefits Paid

for the years 1974-1975 to 1983-1984

Year	Temporary Disability	Permanent Disability	Other Benefit Costs*	Rehabilitation Cash Benefits**	Total
1983-1984	\$392,365	\$442,048	\$100,159	\$50,799	\$985,371
1982-1983	\$343,931	\$371,579	\$70,656	\$14,401	\$800,567
1981-1982	\$248,716	\$299,486	\$52,513	\$ 5,285	\$606,000
1980-1981	\$140,754	\$259,038	\$47,604	\$ 1,113	\$448,509
1979-1980	\$148,267	\$243,275	\$29,644	\$ 200	\$421,386
1978-1979	\$177,140	\$175,676	\$27,199	\$ 2,280	\$382,295
1977-1978	\$180,264	\$156,615	\$26,931	\$ 5,415	\$369,225
1976-1977	\$185,263	\$104,654	\$22,031	\$ 1,194	\$313,142
1975-1976	\$130,806	\$ 77,516	\$24,478	\$ 1,782	\$234,582
1974-1975	\$140,248	\$ 77,263	\$22,651	\$ 250	\$240,412

*Other Benefit Costs — expenses, clothing, funeral expenses, etc.

**The indirect costs of rehabilitation such as counselling and job placement are reflected in the administration charges in the Statement of Expenditures.

Number of Claims Processed

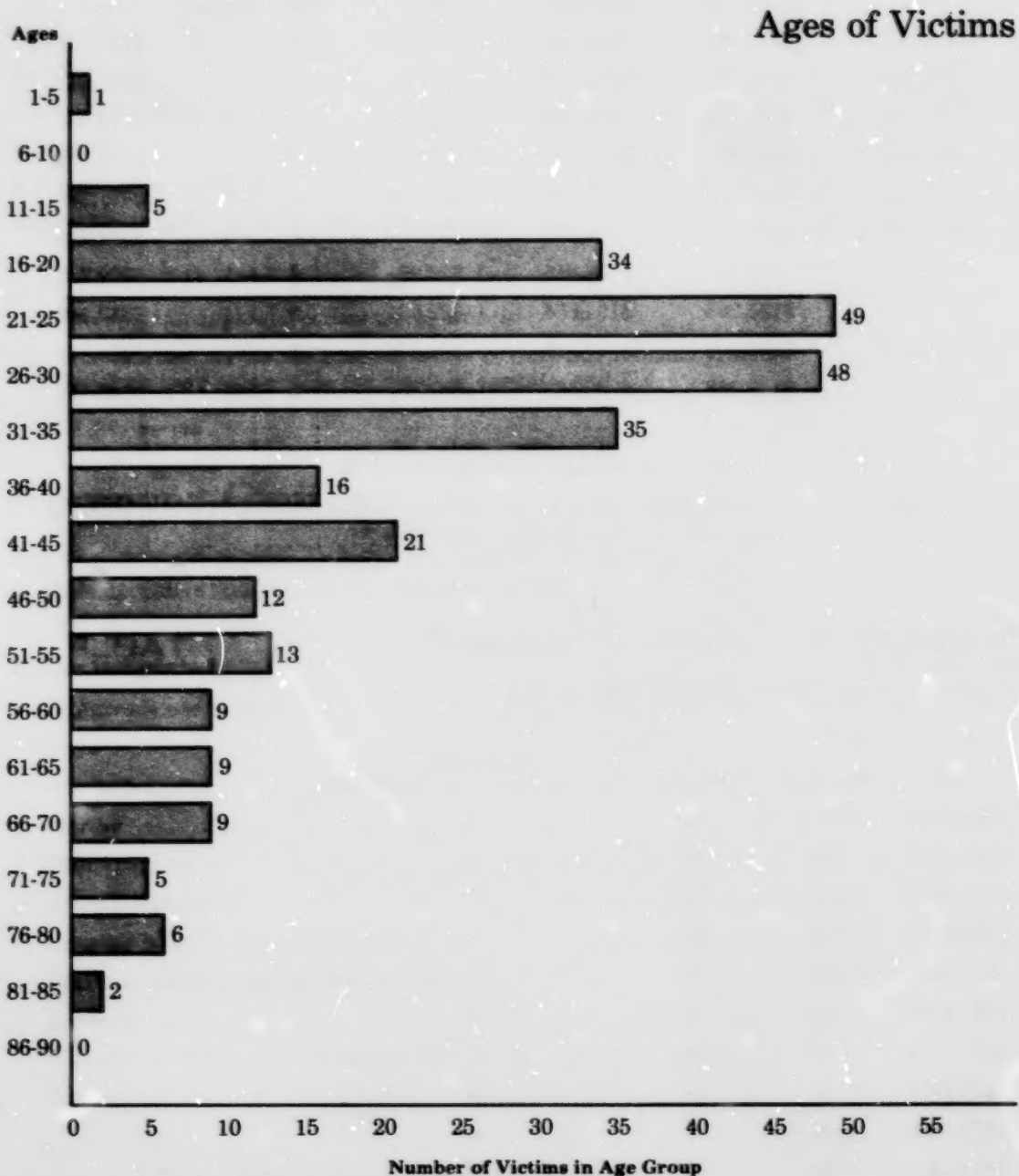
for the years 1974-1975 to 1983-1984

Year	Approved	Refused	Referred to Workers Compensation Board
1983-1984	257	36*	2
1982-1983	166	64	2
1981-1982	125	50	1
1980-1981	119	50	6
1979-1980	79	37	1
1978-1979	89	36	0
1977-1978	90	56	6
1976-1977	81	46	3
1975-1976	92	67	0
1974-1975	90	76	0

*Please see "Most Frequent Reasons for Non-Acceptance of Claims" on page 13.

Claims Filed *

during the period April 1, 1983 to March 31, 1984
(based on information filed initially)



*Some of the claims filed initially were withdrawn by claimants.

Claims Filed *

during the period April 1, 1983 to March 31, 1984

(based on information filed initially)

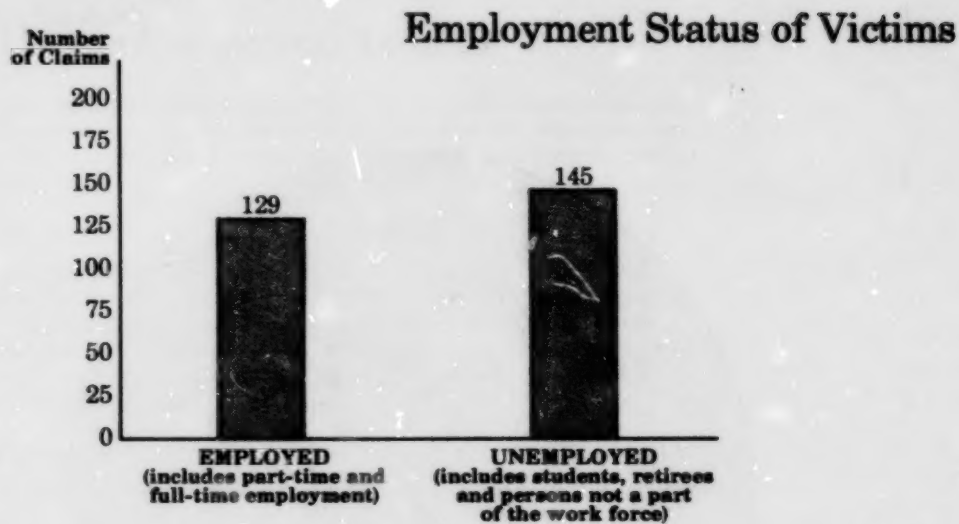
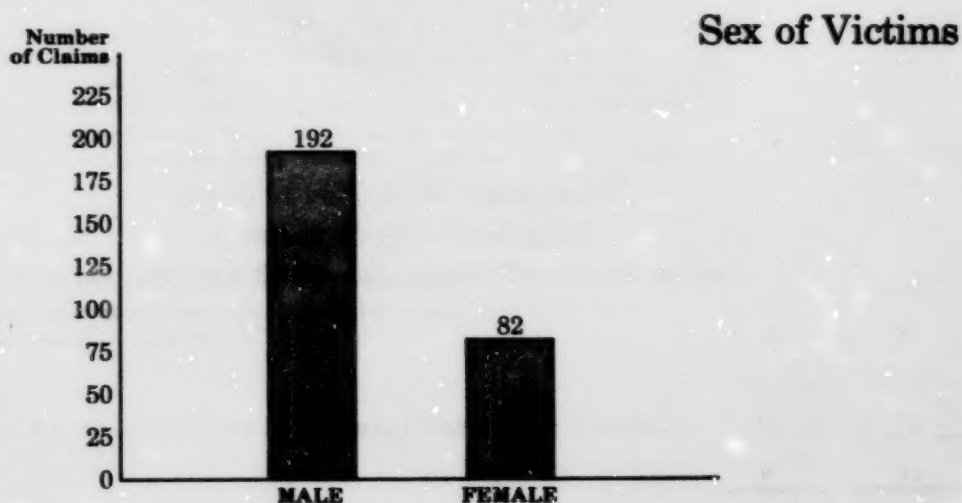


FIGURE III



**Some of the claims filed initially were withdrawn by claimants.*

Claims Filed *

during the period April 1, 1983 to March 31, 1984
(based on information filed initially)

Crime Occurrence Area of Province



Winnipeg = 85% (234 claims)

Brandon = 2% (5 claims)

Other Areas of Manitoba = 13% (35 claims)

**Some of the claims filed initially were withdrawn by claimants.*

Most Frequent Reasons for Non-Acceptance of Claims

1983/1984 1982/1983

SECTION 1(1) (c)

"(c) "dependant" means a spouse, child or other relative of a deceased victim who was, in whole or in part, dependant upon the income of the victim at the time of his death and includes a child of the victim born after his death;"

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SECTION 6(2) (a)

"Except as may be otherwise permitted by this Act, the board shall not make an order for compensation where the application for compensation is made after the expiration of 2 years from the date of the injury or death, as the case may be."

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SECTION 6(2) (b)

"Except as may be otherwise permitted by this Act, the board shall not make an order for compensation where the crime of violence giving rise to the claim was not reported within a reasonable time after the happening thereof to the proper law enforcement officers, or if reported, the claimant did not render the assistance in the apprehension of the offender as he might reasonably be expected; or"

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SECTION 6(2) (c)

"(c) where the victim participated in, or was in collusion with the person committing, the crime as a result of which the injury to or the death of the victim occurred; or"

1 0

SECTION 6(2) (d)

"(d) where, in the opinion of the board, the person who committed the crime as a result of which the injury to or the death of the victim occurred would benefit directly from any compensation granted under this Act."

1 0

SECTION 11(1)

"The board, in making or in declining to make an order for the payment of compensation, shall consider and take into account all such circumstances as it considers relevant to the making of the order and, without limiting the generality of the foregoing, the board shall consider and take into account the character of the applicant and any behaviour that directly or indirectly contributed to the injury or death of the victim."

7 9

SECTION 12(3) (c)*

"The board shall not make an order for the payment of compensation ... where the amount of compensation to be awarded is less than one hundred and fifty dollars ..."

2 22

SCHEDULE 1

No evidence of a crime under the Schedule of Crimes under The Act.

11 18

36 64

*The substantial decrease in "non-acceptance" under Section 12(3) (c) in 1983/1984 is due to acknowledgement by the Board that the applicant is an injured innocent victim of crime. Previously, applications were not accepted if there was not an award of more than \$150.00.

Schedule 1

Section of Criminal Code	Description of Offence
66	taking part in a riot
76.1	hijacking of aircraft
76.2	endangering safety of aircraft in flight
76.3	taking on board a civilian aircraft offensive weapons and explosive substances
78	failure to take reasonable care in relation to explosives where death or bodily harm results
79	causing explosion with intent to do bodily harm or endanger life
86	dangerous use of firearm
144	rape
145	attempted rape
146	sexual intercourse with female under fourteen
149	indecent assault on female
156	indecent assault on male
176	common nuisance causing harm
197	failure to provide necessities
200	abandoning child and endangering its life
201	causing bodily harm to servant [para. (a)]
203	causing death by criminal negligence
204	causing bodily harm by criminal negligence
218	murder
219	manslaughter
222	attempted murder
228	causing bodily harm with intent
229	administering poison
230	overcoming resistance to commission of offence
231	setting traps with intent to cause death or bodily harm
232	interfering with transportation facilities with intent to endanger safety to any person
240	dangerous operation of vessel [ss (1) and (4)]
241	impeding attempt to save life
245	common assault: causing bodily harm
246	assault with intent to commit indictable offence: assault on persons enforcing
247	kidnapping: illegal confinement
251(1)	procuring miscarriage
303	robbery
381	intimidation by violence [ss (1) para. (a)]
387(2)	mischief causing actual danger to life
389	arson
392	causing fire resulting in loss of life
393	false fire alarm

Note: Recommendations have been made to revise Schedule I in line with changes to the Criminal Code of Canada.

Victim/Witness Assistance Program

The Victim/Witness Assistance Program is not a part of the Criminal Injuries Compensation Board, however, this is a support program and public awareness of this service is important. It is for this reason that information has been included in the Criminal Injuries Compensation Board Annual Report.

The purpose of the Victim/Witness Assistance Program is to provide a support service to people who have become the victim of a crime or those who are innocently involved in the criminal justice system.

In the City of Winnipeg this program is separated into two areas — victim assistance and witness assistance — however, both areas work in co-operation for the total program.

Victim Services are provided by the Winnipeg Police Department and the type of assistance provided includes:

1. Information regarding the progress of the case investigation and the recovery and return of any stolen property.
2. Assistance in understanding the procedures and practices of the Criminal Justice System.
3. Referral to the appropriate community agency for counselling services, legal advice, health care, etc., as required.
4. Referral to the Criminal Injuries Compensation Board for victims injured as the result of a crime.
5. Emotional and moral support will be provided throughout the case. This is especially important for victims of violent crimes.

Witness Services are provided through a reception centre located on the third floor of the Provincial Judges Court at 373 Broadway Avenue. The Reception centre is staffed by a number of volunteers who have been familiarized with the criminal justice system.

It is the responsibility of staff to promptly notify crown witnesses of cancellations and to inform witnesses of cancellations and also to issue witnesses with a fee voucher so that they may receive witness fees immediately after testifying. Witnesses attending at the reception center will be advised who the crown attorney is and will receive answers to any questions they may have.

Crown witnesses also wait in the reception center before being called which means they no longer have to sit in the same room with the accused or defence lawyer. After giving evidence, they may remain, if they wish, with other spectators.

Interpretation services are provided when needed and referrals are made to The Criminal Injuries Compensation Board when appropriate.

A victim services program, staffed by volunteers, will be established in Brandon in May of 1984. Services to the rest of Manitoba will be facilitated through a toll-free telephone line.

The Victim/Witness Assistance Program is jointly funded by the Federal Department of Justice, the Attorney-General of Manitoba, and Age and Opportunity Centre, Inc.